

**RESOLUTION NO. 20091022-043**

**WHEREAS**, H.B. No. 216 of the 81<sup>st</sup> Texas Legislature relating to local regulation of certain establishments that provide housing and at least one additional qualifying service for elderly or disabled persons was signed into law by the governor of Texas on June 19, 2009; and

**WHEREAS**, H.B. No. 216 requires the Executive Commissioner of the State Health and Human Services Commission (HHSC) to develop and publish in the Texas Register model standards for the operation of such establishments not later than September 1, 2010 (and potentially much sooner); and

**WHEREAS**, local regulation of such establishments furthers an important public purpose of promoting the health, safety, and welfare of the City of Austin and its inhabitants, including elderly and disabled members of the community; and

**WHEREAS**, proactive planning will better position the City to implement local regulations more rapidly following state publication of applicable model standards; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager is directed to pursue opportunities to directly communicate and work with HHSC as model standards for local regulation of qualifying establishments are developed.

**BE IT FURTHER RESOLVED,**

The City Manager is directed to promptly assess relevant model standards and to recommend to council a potential program to administer permitting and locally regulate such establishments, including informing council of the anticipated fiscal impact of adding new City responsibilities required for implementation and maintenance of such a program. To the extent feasible, based on the date of the publication by HHSC of the model standards, the proposed permitting and regulatory program shall be available for council consideration in the FY 2011-2012 City budget.

**BE IT FURTHER RESOLVED,**

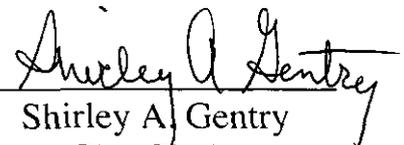
The City Manager shall periodically update the Public Health and Human Services Committee regarding status as HHSC develops model standards for the operation of qualified residential establishments as envisioned by H.B. No. 216.

**BE IT FURTHER RESOLVED,**

The City Manager is directed to consider, and to offer to collaborate with Travis County to develop, a potential interlocal permitting and regulatory program for qualifying residential establishments as contemplated by H.B. No. 216.

**ADOPTED:** October 22, 2009

**ATTEST:**

  
Shirley A. Gentry  
City Clerk